



4. Markman Hearing Deadlines

- a. Designation of Plaintiffs' *Markman* witnesses, if any, including experts shall be served by **September 2, 2005**.
- b. Plaintiffs' *Markman* brief shall be filed and served by **September 2, 2005**.
- c. Designation of Defendants' *Markman* witnesses, if any, including experts shall be served by **September 16, 2005**.
- d. Defendants' *Markman* brief shall be filed and served by **September 16, 2005**.
- e. Plaintiffs shall file any reply brief to defendants' *Markman* brief by **September 26, 2005**.
- f. The parties are to exchange, with an index, all exhibits that will be provided to the Court for the *Markman* hearing by **October 3, 2005**.
- g. The parties are to file any objections to *Markman* exhibits by **October 10, 2005**.
- h. Further, not less than **seven (7)** days prior to the *Markman* hearing, the parties shall confer and attempt to reduce the number of issues for the *Markman* hearing and provide a list to the Court of any outstanding claim construction or evidentiary issues.

5. The *Markman* hearing is set for **October 19, 2005**, at 9:30 a.m.

6. Plaintiffs shall FILE their designation of potential witnesses, testifying experts, and proposed exhibits, and shall SERVE on all parties, but not file the materials required by Fed.R.Civ.P. 26(a)(2)(B) **not later than four (4) weeks after the Court's ruling on the Markman hearing**. Defendants shall FILE their designation of potential witnesses, testifying experts, and proposed exhibits, and shall SERVE on all parties, but not file the material required by Fed.R.Civ.P. 26(a)(2)(B) **not later than eight (8) weeks after the Court's ruling on the Markman hearing**. All designations of rebuttal experts shall be FILED within 15 days of receipt of the report of the opposing expert.

7. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **21** days of receipt of the written report of the expert's proposed testimony, or within **21** days of the expert's deposition, if a deposition is taken, whichever is later.

8. All dispositive motions shall be filed **not later than twelve (12) weeks after the Court's ruling on the Markman hearing**. Dispositive motions as defined in Local Rule CV-7(h) and responses to dispositive motions shall be limited to 20 pages in length.

9. The parties shall complete all discovery **not later than twelve (12) weeks after the Court's ruling on the Markman hearing**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court

except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

10. This case is set for trial on ~~Monday, May 2, 2006~~ <sup>Pretrial Conference on Wednesday, April 26, 2006 at 9:30 AM</sup> and Jury Selection and ~~Monday, May 8, 2006~~ <sup>Monday, May 8, 2006 at 9:30 a.m.</sup> The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial. ~~Pretrial Submissions shall be filed no later than April 17, 2006.~~

SIGNED and ENTERED this 8th day of March, 2005.



Xavier Rodriguez  
United States District Judge

AGREED:



Ted D. Lee  
Miguel Villarreal, Jr.  
Gunn & Lee, P.C.  
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ATTORNEYS FOR DEFENDANTS

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except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

10. This case is set for trial on \_\_\_\_\_ at \_\_\_\_\_ .m. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of trial.

SIGNED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

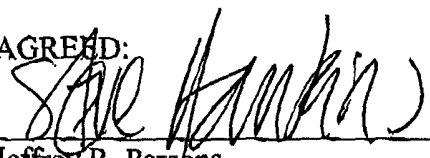
\_\_\_\_\_  
Xavier Rodriguez  
United States District Judge

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**WESTERN DISTRICT OF TEXAS**  
**SAN ANTONIO DIVISION**

Revised January 25, 2005

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## UNITED STATES DISTRICT COURT

Western District of Texas

## Alternative Dispute Resolution Summary

1. Style of case: \_\_\_\_\_
2. Civil action number: \_\_\_\_\_
3. Nature of suit: \_\_\_\_\_
4. Date of Mediation: \_\_\_\_\_
5. When did the case settle? ☐ Before ADR ☐ In ADR ☐ Did Not Settle
6. What was your total fee? \$ \_\_\_\_\_ or ☐ Pro Bono
7. How was this Mediation initiated? ☐ by court order or ☐ agreement of the parties
8. Please provide the names, addresses, and telephone numbers of counsel:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

9. Additional comments: \_\_\_\_\_

\_\_\_\_\_  
Signature of Neutral\_\_\_\_\_  
Date\_\_\_\_\_  
Address\_\_\_\_\_  
Phone

*Neutral must file completed form in duplicate with the U.S. District Clerk within 5 days after completion of ADR or, if settlement occurs prior to session, within 5 days of neutral's notice by the parties of settlement.*